IN THE HIGH COURT OF JUDICATURE OF BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

SUMMONS FOR JUDGEMENT NO. 603 OF 2003

IN

SUMMARY SUIT NO. 1470 OF 2003

M/s.Mody & Co. .. Plaintiff

versus

Amrututlal Dhirajlal & Co.& ors. .. Defendants

...

Ms.Sheetal Shenoy i/b Dave & Co. for the plaintiff.

None for the defendant.

CORAM : D.G. KARNIK,J.

DATED : 6th April 2005.

P.C.:

1. Heard the learned counsel for the plaintiff.

2. The learned counsel for the plaintiff hands in affidavit of service dated 5th April 2005 proving service of Summons for Judgement. Despite service of Summons for Judgement, the defendants have not applied for leave to defend nor have they filed any

affidavit in reply. The learned counsel for the plaintiff hands in original documents along with a list. The documents are taken on record and collectively marked Exhibit-A.

3. I have perused the plaint and original documents. In the absence of any application for leave to defend or any affidavit in reply, the averments made in the plaint are deemed to be admitted. The plaintiff is entitled to a decree under Order 37 Rule 3(6) of the Code of Civil Procedure. In the circumstances, Summons for Judgement is made absolute and the suit of the plaintiff is decreed as follows:-

4. The defendant shall pay to the plaintiff a sum of Rs.78,886.28 together with interest on the principal sum of Rs.50,000/- at 9% p.a. from the date of the suit till payment and all costs of the suit.

D.G. KARNIK, J